

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1 and 3-40 are pending. Claims 1, 15, 26-28 34 and 37 have been amended. Claim 40 has been canceled without prejudice. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-16, 18, 20, 22, 24-31 and 33-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Massey, (U.S. Patent No. 5,384,563, hereinafter "Massey"), in view of Harrington, et al., (U.S. Patent No. 6,161,099, hereinafter "Harrington").

Claims 17, 19, 21, 23 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Massey, in view of Harrington, as applied to claims 1, 18, 20 and 28 above, and further in view of Alaia, et al., (U.S. Patent No. 6,499,018, hereinafter "Alaia").

Massey discloses a mechanism for time synchronization of bus type LANs. Massey discloses synchronizing the time of two networks to eliminate any skew of time associated with transmission protocols of the two networks.

Contrary to the presently claimed invention, Massey does not teach or suggest synchronizing the closing of a network auction. Much less does Massey teach accepting a bid at the auction processor if the bid was sent prior to a predetermined end of the bidding time, where the predetermined end of the bidding time is determined based on a latency compensated time set at the participant processor. The Examiner acknowledges that Massey is "silent on closing of a network auction and accepting a bid at the auction processor only if the bid was sent prior to a predetermined end of bidding time" and cites Harrington for the above teaching. Applicant respectfully disagrees.

Harrington teaches accepting bids before the auction ends. However, Harrington does not teach or suggest that the point at which bids are no longer accepted is determined based on a latency compensated time set at the participant processor. Hence, Harrington does not teach or suggest the same feature of the present invention that is missing from Massey. This feature is included in the following language of claim 1:

... causing a clock at the participant processor to be set to the latency-compensated auction time; and
accepting a bid at the auction processor only if the bid was sent prior to a predetermined end of bidding time, the predetermined end of the bidding time being determined based on the latency-compensated auction time.

The above-referenced limitation is also included in independent claims 26 and 37. Accordingly, the present invention as claimed in claims 1, 26 and 37, and their corresponding dependent claims, is patentable over the cited references, taken alone or in combination.

With respect to claim 28, the above references, taken alone or in combination, do not teach or suggest synchronizing a time clock at a participant processor with a time clock at an auction processor coupled to the participant processor via a communications network, and accepting a bid sent from the participant processor to the auction processor only until a predetermined end of bidding time occurs according to the synchronized time clock. Hence, the present invention as claimed in claim 28 and its dependent claims is patentable over the cited references.

With respect to claim 34, the above references, taken alone or in combination, do not teach or suggest receiving an end of bidding message from a participant processor at an auction processor coupled to the participant processor via a communications network, and accepting a bid placed by the participant processor at the auction processor after a closing of an auction only if a message containing the bid is ordered prior to the end of bidding message. Thus, the present invention as claimed in claim 34 and its dependent claims is patentable over the cited references.

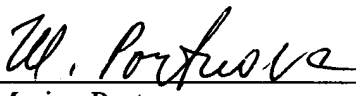
Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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